

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REX – REAL ESTATE EXCHANGE,
INC.,

Plaintiff,

v.

ZILLOW, INC., et al.,

Defendants.

C21-0312 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The portion of Plaintiff’s motion to compel, docket no. 267, requesting that defendant National Association of Realtors (“NAR”) run a proposed search of its custodial document collection in this action without date restriction is **GRANTED**, and NAR is **ORDERED** to search its custodial document collection using the parties’ eleven (11) agreed-upon search terms without date restriction. Having reviewed all papers filed in support of, and in opposition to, the motion, including the Declaration of Michael Bonanno, docket no. 294, and having considered the oral argument of counsel, the Court concludes that the proposed search is relevant and proportional to the needs of the case. *See Fed. R. Civ. P. 26(b)*. Although the Court recognizes that the search will impose some burden and expense on NAR, the Court does not conclude that “the burden or expense of the proposed discovery outweighs its likely benefit.” *See id.* All other requested relief is **DENIED**.

(2) At a status conference with the parties on March 16, 2023, NAR raised an oral motion to compel Plaintiff to produce certain of its Salesforce data fields. Plaintiff has served Defendants with an expert report that relies on selected portions of Plaintiff’s Salesforce data. NAR now requests production of the remainder of Plaintiff’s Salesforce

1 data to test whether the expert's reliance on selected portions was appropriate. Having
2 considered the oral argument of counsel, and having reviewed Plaintiff's brief in
3 opposition, docket no. 292, and the Declaration of Carl Goldfarb, docket no. 293, NAR's
4 oral motion is GRANTED. Plaintiff is ORDERED to produce the requested 1,547
Salesforce data fields. The Court concludes that the proposed search is relevant and
proportional to the needs of the case, and is not unduly burdensome. *See* Fed. R. Civ. P.
26(b).

5 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

Dated this 27th day of March, 2023.

7
8 Ravi Subramanian
Clerk

9 s/Laurie Cuaresma
10 Deputy Clerk